

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROUTEONE, LLC,

Plaintiff,

Case No. 11-cv-13781
Honorable Patrick J. Duggan

v.

John Doe 1 - John Doe 9,

Defendants.

**OPINION AND ORDER GRANTING PLAINTIFF'S EMERGENCY AND EX
PARTE MOTION FOR IMMEDIATE DISCOVERY FROM VERIZON
WIRELESS**

On August 30, 2011, Plaintiff RouteOne, LLC ("RouteOne") filed this lawsuit against unknown individuals and/or entities that allegedly accessed RouteOne's internet system without authorization. Presently before the Court is Plaintiff's emergency and ex parte motion for immediate discovery from third-party Verizon Wireless Telecom, Inc., d/b/a Verizon Wireless ("Verizon"), filed pursuant to Federal Rules of Civil Procedure 26(d)(1) and (2) on September 8, 2011. For the reasons that follow, the Court grants RouteOne's motion.

RouteOne is an internet based credit application management system and company that provides automotive dealer and finance sources the ability to manager their business from a single internet portal. (Compl. ¶ 1.) More specifically, RouteOne offers its clients the ability to access credit bureau reports for prospective retail automotive purchasers via the internet. (Doc. 2 ¶ 2.) Beginning August 28, 2011, RouteOne discovered that

unknown individuals and/or entities had accessed RouteOne's system and obtained its customers' internet identification credentials and were using those credentials to access credit bureau reports on RouteOne's computer systems. (*Id.* ¶ 3.)

RouteOne initially identified the internet addresses ("IP addresses") associated with the individuals and/or entities and determined that the individuals and/or entities were using Comcast Corporation ("Comcast") and AT&T Corporation ("AT&T") internet systems to access RouteOne's systems. RouteOne therefore filed a motion seeking a court order requiring Comcast and AT&T to respond to a Rule 45 subpoena and identify the subscribers associated with the IP addresses and certain information about the subscribers (address, phone number, facsimile number, and email address). The Court granted the motion in an opinion and order issued September 1, 2011. Since that time, RouteOne has discovered additional and similar fraudulent and unauthorized access to its computer system from an internet user using Verizon's internet service. RouteOne therefore now seeks a court order requiring Verizon to respond to a Rule 45 subpoena and provide identifying information for that subscriber. Verizon is precluded from revealing this information without a court order pursuant to 47 U.S.C. § 551(c). This information is necessary for this lawsuit to progress.

Therefore, the Court **GRANTS** RouteOne's request for immediate discovery, **with the following conditions**. Internet service provider Verizon shall respond to and comply with the subpoena served on it by counsel for RouteOne, requiring Verizon to identify the name, address, phone number, facsimile number and email address of the individual

and/or entity using the IP address(es) identified in the subpoena. Unless otherwise directed by the Court, Verizon must comply with the subpoena within eight business days of being served with the subpoena.

The disclosure of this information is ordered pursuant to 47 U.S.C. § 551(c)(2)(B). Any information disclosed to RouteOne in response to the Rule 45 subpoena may be used only for the purpose of protecting RouteOne's rights as set forth in the Complaint.

Verizon shall give written notice to the subscriber(s) affected by this order within three (3) business days of being served with RouteOne's subpoena.

SO ORDERED.

Date: September 8, 2011

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

Copy to:
Todd A. Holleman, Esq.